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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,487

05/17/2005

Gerard Vincent Monaghan

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EXAMINER

BOYER, RANDY

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/535,487</p>	<p>Applicant(s) MONAGHAN ET AL.</p>	
	<p>Examiner RANDY BOYER</p>	<p>Art Unit 1797</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-25.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Glenn A Caldarola/
Acting SPE of Art Unit 1797

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's remarks are not persuasive to overcome the final rejection of claims 1-25 as set forth in the Office Action mailed 16 April 2008. Consequently, the claims remain rejected as follows:

- (a) Claims 1-15, 19-21, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Jewell (US 2,717,867);
- (b) Claims 1, 16, 17, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper (US 2,895,906); and
- (c) Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell (US 2,717,867).

1. Applicant argues the mixing and vaporizing zone of Jewell is not analogous to the fluid bed in Applicant's claim 1 because: (a) the mixing and vaporizing zone in Jewell does not cause the coke particles to move in a substantially horizontal direction with the mixing and vaporizing zone; (b) the optional "extraneous gas" which is introduced to the mixing and vaporizing zone via inlets (30) is not moving in a substantially vertical fluidizing direction; and (c) the oil which is introduced to the mixing and vaporizing zone in Jewell is not introduced at a feed zone located between an upstream horizontal position and a downstream horizontal position in the mixing and vaporizing zone.

In response to Applicant's argument, Examiner submits that even if taking all what Applicant argues about Jewell to be true, Applicant's claims still do not clearly distinguish over the disclosure of Jewell. Examiner understands Applicant's argument to hinge on step (c) of Applicant's claim 1, namely "introducing the liquid feed material to the fluid bed . . .". In an earlier response, Applicant argued that Jewell did not meet such limitation since Jewell discloses discharging the oil feedstock "at a point substantially above the upper surface of the fluid bed of coke" (see Jewell, column 3, lines 35-41). Thus, Applicant is seemingly of the position that Jewell does not introduce the liquid feed material "to" the fluid bed as required by step (c) of Applicant's claim 1. However, Examiner notes that a closer read of the relevant portion of Jewell reveals that "the unvaporized portion [of the oil feedstock] is absorbed by the coke which is settled onto the upper surface of the fluid bed of coke distribution plate 20" (see Jewell, column 3, lines 68-74). Thus, even with the liquid feed material of Jewell being introduced into the "mixing and vaporization zone" as noted by Applicant, Jewell nevertheless discloses wherein at least a portion of the liquid feed material is absorbed by the fluidized bed of coke. Thus, Examiner maintains that all limitations of Applicant's claim 1 are met by the disclosure of Jewell.

2. Applicant argues that Jewell does not disclose introducing the liquid feed material at a feed zone located between the upstream horizontal position and the downstream horizontal position.

In response to Applicant's argument, Examiner notes that Fig. 2 of Jewell very clearly shows oil being injected through line 17 and conical partition 24. Examiner further notes that at least a portion of the coke bed 21 is shown to the right (i.e. upstream) of conical partition 24 through which oil is being introduced. Thus, it follows that the liquid feed material of Jewell is introduced at a feed zone location between an upstream horizontal position (that portion of the coke bed 21 shown to the right of conical partition 24) and a downstream horizontal position (the remaining portion of the coke bed 21 shown to the left of conical partition 24).

3. Applicant argues that the liquid feed material in Harper is introduced to the solid particles in the reaction zone (20) where no fluidizing medium is present. Applicant further argues that any fluidization of the solid particles in the reaction zone (20) of Harper results from gases produced by the reaction of the liquid feed and not by the introduction of a fluidizing medium into the reaction zone (20).

In response to Applicant's argument, Examiner notes that fluidizing medium (steam) is injected into energizing zone (19) of Harper which is housed in a common portion of the contacting chamber with the reaction zone (20), albeit partly separated by baffle (14) (see Harper, Fig. 1). Harper explains that the fluidizing medium (steam) serves two purposes: (1) "to lift fluidized catalyst flowing under baffle 18 from second stripping zone 23 over baffle 14 separating energizing zone 19 from reaction zone 20" (see Harper, column 5, lines 39-42); and (2) "to fluidize the finely-divided catalyst particles" (see Harper, column 5, lines 42-43). Moreover, Harper discloses that at the instant when oil is injected into the reaction zone (20), the catalyst particles are already in a "fluidized" state (see Harper, column 5, lines 50-54). Thus, Examiner submits that the fluidized particles of Harper's reaction zone (20) are at least partly fluidized by the fluidizing medium (steam) injected into the energizing zone (19) commonly housed within the reaction zone (20).

RPB

